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T.R.A. DOCKET ROOM

August 16, 2005

Ron Jones, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re: *In Re: BellSouth's Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting From Changes of Law*  
Docket Number: 04-00381

Dear Chairman Jones:

Please accept for filing in the above-captioned proceeding the original and fourteen copies of the Rebuttal Testimony of Mary Conquest in behalf of ITC^DeltaCom Communications, Inc.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

*Henry Walker*

By:

Henry Walker

HW/djc  
Enclosure

1147335 v1  
104724-012  
8/16/2005

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to:

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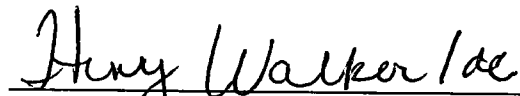
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Dana Shafer  
XO Communications, Inc.  
105 Malloy Street, Ste. 100  
Nashville, TN 37201

on this the 16<sup>th</sup> day of August, 2005.

  
Henry M. Walker

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**August 16, 2005**

*Re: Petition to Establish Generic Docket to*           )  
*Consider Amendments to Interconnection*           ) Docket No. 04-00381  
*Agreements Resulting from Changes of Law*           )

**REBUTTAL TESTIMONY OF MARY CONQUEST  
IN BEHALF OF ITC^DELTACOM COMMUNICATIONS, INC.**

1   **Q:   PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.**

2   A:   My name is Mary Conquest. I am Program Manager for Inter-Company  
3       Relations, at ITC^DeltaCom Communications, Inc. and Business Telecom,  
4       ("ITC^DeltaCom" & "BTI"). My business address is 7067 Old Madison Pike,  
5       Huntsville, Alabama 35806.

6  
7  
8   **Q:   WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

9   A:   The purpose of my testimony is to respond to the direct testimony of BellSouth  
10       witness Pamela Tipton and provide this Authority with factual testimony regarding  
11       DeltaCom's experiences regarding the bulk migration process from UNE-P to  
12       UNE-L. My testimony rebuts Tipton's Issue 2.

13  
14   **Issue 2: Transition of the Embedded Base for Former UNES (Tipton Page 5 thru**  
15       **13)**

16   **Q:   HAS BELL SOUTH PROVIDED ADEQUATE NOTICE OF ITS PROPOSED**  
17       **DEADLINES TO THE CLEC COMMUNITY ?**

18   A:   No. In Ms. Tipton's testimony and Exhibit PAT-1, she requests this Authority to  
19       adopt dates for the delivery of conversion spreadsheets. BellSouth, however, has  
20       not provided proper notice to the CLEC(s) of this demand and timeline for  
21       spreadsheets. No Carrier notices (SN's) have been posted to the website which  
22       contain the dates in Ms. Tipton's testimony and Exhibit PAT-1. DeltaCom is very  
23       concerned about the upcoming March 11, 2006 deadlines, but as discussed by

1 Mr. Watts, BellSouth has been unwilling to work with Deltacom to reach an  
2 interim arrangement. BellSouth has not complied with its own bulk migration  
3 guideline posted on its website and filed with the FCC.  
4

5 **Q: WHAT EXPERIENCE HAS ITC^DELTACOM/BTI HAD REGARDING THE**  
6 **PROCEDURE DESCRIBED IN PAMELA TIMPTON'S TESTIMONY FOR**  
7 **TRANSITION OF EMBEDDED UNE-P SERVICE TO UNE-L ?**


8 A: Ms. Tipton fails to disclose major issues with BellSouth's conversion Process.  
9 The following are examples experienced by ITC^DeltaCom:  
10

- 11 • To date no cut for non-coordinated bulk migration has been 100%  
12 successful.

13 For example, Bulk Order Package Identifier (BOPI) MS03284614SO,  
14 contained 38 lines which were give a commit date of March 28, 2005 then  
15 placed in Missed Appointment (MA) status due to BellSouth not being  
16 ready. CWINS stated the root cause "The collocation configuration was in  
17 an old outdated configuration." (MVC-Exhibit 1) BellSouth further stated  
18 "the CO was not wiring and they had to dispatch a tech. "All lines were  
19 coming up no dial tone, Bell said that they should be worked before the  
20 end of this week."

- 21  
22 • Notices are received late if at all. MVC-Exhibit 2. BellSouth's Guide,  
23 Section 6.3, for Bulk Migration, Two (2) Hours To Go Ahead Notification

1 (For Non-Coordinated Bulk Migration) states notification will be provided  
2 using one of three methods, fax, e-mail, or web based tool. The CLEC is  
3 to be notified within a maximum of 2 hours of the cut over. The completion  
4 notice is the trigger the CLEC uses to port or cut the customer over to the  
5 CLEC's network. Lengthy delays in receiving the notice, cause customer's  
6 to be without service for extended time periods.

7  
8  RollBack/Throwback process doesn't work efficiently for customer's who  
9 go down. When a customer is out of service, our center must e-mail the  
10 CWINS center within 24 hours of the cut and request the "throwback". If  
11 the number port has been completed the center must also call Fleming  
12 Island LCSC to coordinate. The CLEC center must also notify the Project  
13 Manager, and either send a supplemental request for a new date or  
14 request to cancel the request. The process is labor intense and  
15 encounters frequent challenges.

- 16
- 17 • PMAP Tool has slow response time and some Reports are not available.  
18 MVC-Exhibit 3. BellSouth created a tool on the Performance Measures  
19 and Analysis Platform (PMAP) site to provide order status relative to  
20 bulk migrations. The tool provides due date availability, special handling,  
21 options, and status.
- 22

- Root Cause Explanation for Outages. BellSouth is unable to provide a resolution. BellSouth finds “system problem” unique to “this order”, but unable to provide resolution. MVC-Exhibit4

**Q: DOES THE CONVERSION PROCESS IN MS. TIPTON’S ATTACHMENTS ALLOW FOR TIMELY ESCALATIONS?**

**A:** No, outages last for hours and require resources that are already scheduled to work on new cuts. The process is long and cumbersome, and more importantly the customer is hurt, and the outage normally occurs during critical working hours for business/government customers. Furthermore, DeltaCom is placed in a bad light due to the fact that we are not in control of the conversion and are not provided information by BellSouth that permits us to communicate effectively with the customer. BellSouth provides vague explanations as to the root cause of the problem. On June 30<sup>th</sup> a Chattanooga bulk migration for nine customers and a total of twenty five lines is a good example, the notification was not received. Small migrations encounter outages as well as larger ones.

**Q: DO YOU SEE ANY OTHER PROBLEMS WITH BELL SOUTH’S PROPOSED LANGUAGE ON BULK MIGRATIONS?**

1 A: Yes. As noted by Mr. Watts, DeltaCom has attempted to negotiate rates, terms  
2 and conditions associated with the TRO/TRRO and other FCC orders. DeltaCom  
3 filed a separate petition for mediation and dispute resolution. During the  
4 negotiations, DeltaCom requested and BellSouth never responded that BellSouth  
5 honor its ten percent discount on non-recurring charges associated with bulk  
6 migration orders which BellSouth committed to the FCC. At paragraph 213 of the  
7 TRRO the FCC noted that in BellSouth's Comments to the FCC at 24 and at 34,  
8 BellSouth stated that it offers "a batch hot cut process at a ten percent discount  
9 off of the applicable state –established hot cut NRC to account for efficiencies  
10 gained by using a batch process." (See MVC Exhibit 5). BellSouth has thus far  
11 refused to provide DeltaCom the ten percent discount on a stand-alone basis  
12 without adopting BellSouth's entire template, Attachment 2 language for the  
13 TRO/TRRO and because of the upcoming deadline March 10, 2006 deadline  
14 DeltaCom has had to place orders for UNE-P to UNE-L migration. DeltaCom has  
15 also requested in negotiations to have a true-up of this discount back to March  
16 11, 2005 and BellSouth has failed to respond. Additionally, DeltaCom has placed  
17 migration orders as coordinated rather than non-coordinated because of the  
18 problems experienced. DeltaCom requests that this Authority adopt on an interim  
19 basis the BellSouth discount of ten percent to be applied back to the date of  
20 March 11, 2005, subject to the establishment of a permanent rate for bulk  
21 migrations

22  
23 **Q: WHAT ACTIONS DO YOU RECOMMEND THAT THIS AUTHORITY TAKE?**



1 A: I recommend that the Authority take the following actions: (1) adopt the language  
2 recommended by Mr. Joe Gillan that requires BellSouth to take financial  
3 responsibility for mishandling these conversions and failing to live up to the  
4 guidelines BellSouth itself has created and (2) require performance measure  
5 report tools to be in service and working so as to monitor performance and (3)  
6 require BellSouth to honor its statements made to the FCC regarding the rates  
7 for bulk migration subject to true-up and (4) establish a permanent rate for bulk  
8 migrations.

9  
10 **Q: ARE THERE ANY ISSUES NEGOTIATED AS PART OF THE CHANGE OF**  
11 **LAW PROCESS INDIVIDUALLY WITH BELL SOUTH THAT DELTACOM**  
12 **SEEKS RESOLUTION?**

13 A: Yes. However as more fully discussed in Mr. Watts testimony BellSouth has  
14 moved to dismiss our request for mediation and dispute resolution. In our petition  
15 for mediation and dispute resolution we sought to include the following language:

16  
17 *Insofar as it is technically feasible, BellSouth shall test and report*  
18 *troubles for all the features, functions, and capabilities of conditioned*  
19 *copper lines, and may not restrict its testing to voice transmission*  
20 *only. [47 C.F.R. 51.319 a 3(iii) (C)]. Where the root cause of the trouble*  
21 *is debatable or difficult to identify and it is a chronic trouble, BellSouth*  
22 *and ITCD shall schedule a technical meeting.*

23  
24 DeltaCom and BellSouth should be required test and provide each other test  
25 results for reported troubles for all the features, functions, and capabilities of  
26 conditioned copper lines.

1

2    **Q:    DOES THIS CONCLUDE YOUR TESTIMONY?**

3    **A:    Yes.**